

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 04 2009
[Signature]

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH CARY CLARK,
a/k/a Kenny Clark,

Defendant.

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CR 09-40029-19

ORDER

Pending before the Court is the Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on October 29, 2009, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Second Superseding Indictment with Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. After a careful review of the file, and the time for objections having expired,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Kenneth Cary Clark is adjudged guilty.

Dated this 3rd day of December, 2009.

BY THE COURT:

[Signature: Lawrence L. Piersol]
Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *[Signature: Jackie Messenheimer]*
DEPUTY